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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KHALIL EPHRAIM

Write the full name of each plaintiff.

No.

(To be filled out by Clerk's Office)

**COMPLAINT**

(Prisoner)

Do you want a jury trial?

Yes  No

\*1. WESTCHESTER COUNTY; 2. ARAMADA  
CORRECTIONAL SERVICES LLC.; 3. ASSISTANT  
WARDEN FRANCIS DELIZOGG; 4.

WESTCHESTER COUNTY DEPARTMENT OF CORRECTIONS

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

(SEE ATTACHED PAGE)

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

CONTINUED DEFENDANTS

... COMMISSIONER JOSEPH V. SPANO; #5 LAW LIBRARIAN  
V. HENIT; #6 ARAMARK FOOD SERVICE DIRECTOR  
MARTEL MENDOZA; #7 ARAMARK DIRECTOR  
DONNA BLACKMAN

## I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Violation of my federal constitutional rights

Other: \_\_\_\_\_

## II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

VALHALA

N

EPHRAIM

First Name

Middle Initial

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

#189917

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Westchester County D.O.C.

Current Place of Detention

10 Woods Rd. P.O. Box #10

Institutional Address

VALHALA

County, City

NY

State

10595

Zip Code

## III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

Pretrial detainee

Civilly committed detainee

Immigration detainee

Convicted and sentenced prisoner

Other: \_\_\_\_\_

#### IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

First Name	Last Name	Shield #
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Current Job Title (or other identifying information)

148 MARTINE AVE. (6 <sup>TH</sup> FLOOR)		
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Current Work Address

County, City	State	Zip Code
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Defendant 2:

First Name	Last Name	Shield #
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Current Job Title (or other identifying information)

111 8 <sup>TH</sup> AVE		
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Current Work Address

County, City	State	Zip Code
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Defendant 3:

First Name	Last Name	Shield #
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ASSISTANT WARDEN		
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148 MARTINE AVE. (6 <sup>TH</sup> FLOOR) 10 WOOD, RD. P.O. BOX #10		
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Current Work Address

County, City	State	Zip Code
--------------	-------	----------

Defendant 4:

First Name	Last Name	Shield #
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D.O.C. COMMISSIONER		
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148 MARTINE AVE. (6 <sup>TH</sup> FLOOR)		
--	--	--

Current Work Address

County, City	State	Zip Code
--------------	-------	----------

(SEE ATTACHED PAGE)

• DEFENDANT #5

K. HENITT

WESTCHESTER COUNTY D.O.C. LAW LIBRARY

148 MARTINEZ AVE (6<sup>TH</sup> FLOOR)

WHITE PLAINS, NY 10601

• DEFENDANT #6

MANUEL MENDOZA

AZAMARZ FOOD SERVICE DIRECTOR

10 WOODS RD.

VALHALLA, NY 10595

• DEFENDANT #7

DONNA BLACKMAN

AZAMARZ DIRECTOR

10 WOODS RD.

VALHALLA, NY 10595

V. STATEMENT OF CLAIM

Place(s) of occurrence: Westchester County D.O.C.  
#1 in or around 11/2015 - 10/2016

Date(s) of occurrence: #2 August 24, 2017 - PRESENT DAY

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

THIS COMPLAINT ARISES FROM TWO SEPARATE CONTINENTS AT WESTCHESTER COUNTY DEPARTMENT OF CORRECTIONS ("D.O.C."). THE FIRST BEING IN OR AROUND NOVEMBER 2015 thru OCTOBER 2016.  
NOTE: PLAINTIFF HAS BEEN CONFINED TO D.O.C. ON NUMEROUS OCCASIONS PRIOR TO THE RELEVANT TIMES & HAS MISREPRESENTED HIS RELIGIOUS AFFILIATION (PROTESTANT) TO D.O.C. OFFICIALS OUT OF DESPERATION. AS A RESULT, PLAINTIFF HAS MISREPRESENTED THAT HE IS JEWISH, WHILE HE'S ACTUALLY PROTESTANT.  
UPON PLAINTIFF'S ARRIVAL TO D.O.C. HIS VASCULAR JEWISH NEEDS BEGAN TO APPRENT IN THE FOLLOWING CONDITION: THE BREAD IN THE VASCULAR BAG WAS/IS STALE (BREAKS APART IF TRIED TO MAKE A SANDWICH) MOULDED, SALAD WAS/IS SOFTLY 3 BROWN EDGED, FRUIT WAS/IS ROTTEN INTERNALLY & OUTWARDLY BROWNED TO THE POINT THE FRUIT WAS/IS NOT CONSUMABLE.  
TAKING FURTHER NOTICE, THAT PLAINTIFF IS ALEPHIC TO FISH AS SUCH PLAINTIFF WAS OFFERED A "KETCHUP SOURED" PEANUT-BUTTER & JELLY PACKET IN LIEU OF THE DAILY FISH SERVED WITHIN THE VASCULAR BAGS. AS A RESULT OF THE BREAD ABEVING STALE AND/OR MOULDED (AND D.O.C. STAFF REFUSED TO REFRIGERATE THE STALE AND/OR MOULDED BREAD) PLAINTIFF WAS/IS FORCED  
(SEE ATTACHED PAPER)

TO EAT THE PEANUT BUTTER & JELLY PACKETS BY SQUEEZING THE CONTENTS OUT OF EACH PACKET. PLAINTIFF ATTEMPTED TO FILE TWO SEPERATE GRIEVANCES WITH SERGEANTS. #1 KITT ON ZK (OLD JAIL) IN OR AROUND DECEMBER 2015, BUT HE OPENLY STATED TO ME, "D.O.C. DOESN'T HANDLE FOOD GRIEVANCES ANY MORE, YOU HAVE TO MAIL THEM TO ADAMACK." HE REFUSED TO ACCEPT THE GRIEVANCE & WALKED AWAY. #2 THE SECOND GRIEVANCE ATTEMPTED TO BE FILED WAS WITH SERGEANT TORRES AFTER PLAINTIFF DISCOVERED INK & DEAD INSECTS, SPECIFICALLY FLIES, WITHIN HIS KOSHER SALAD ON FIVE SEPERATE OCCASIONS WITHIN THE WEEK OF FEBRUARY 10, 2016. MORE-OVER, PLAINTIFF HAS FOUND (AND CONTINUES TO FIND) HUMAN HAIR WITHIN HIS KOSHER CEREAL ON SEVERAL OCCASIONS. NOTE: THE CEREAL IS PREPARED BY INMATE WORKERS BY POURING BAGS OF CEREAL INTO STYROFOAM BOWLS. PLAINTIFF HAS NOTICED THAT INMATE WORKERS DO NOT WEAR PROTECTIVE EQUIPMENT SUCH AS, HAIR NETS, LEAD MASKS, GLOVES ETC. WHEN HANDLING FOOD. PLAINTIFF ATTEMPTED TO FILE ANOTHER GRIEVANCE WITH SERGEANT MIDDLETON REGARDING THE AFORESAID, BUT HE ALSO STATED THAT "D.O.C. NO LONGER ACCEPTS FOOD GRIEVANCES" & "THEY MUST BE SENT TO ADAMACK HEADQUARTERS IN PA."

TURNING TO THE SECOND CONFINEMENT STARTING AUGUST 2017 THRU THE PRESENT DATE, PLAINTIFF'S MEALS (KOSHER) CONTINUED TO ARRIVE AS STATED ABOVE. IN FACT, THE KOSHER MEALS ARE NOW WORST BECAUSE THE ABOVE DEFENDANTS ARE DELIBERATELY REDUCING FOOD SIZES & SERVING EXPIRED KOSHER MEALS, BECAUSE THEY BELIEVE THAT THE JEWISH POPULATION AT D.O.C. IS FAKE, SO TO COMBAT THE INCREASE OF JEWISH POPULATION DEFENDANTS ARE OFFERING EXPIRED, STALE, MOLDY, ROTTEN FOODS TO PLAINTIFF'S ENTIRE JEWISH POPULATION. AS A RESULT PLAINTIFF HAS SUFFERED THE INJURIES SIGHTED BELOW:

PLAINTIFF ATTEMPTED TO FILE A GRIEVANCE JANUARY 2018 & AUGUST 2018 WITH SERGEANT HOLMES REGARDING THE ROTTEN FOODS SERVED TO THE INMATE POPULATION, BUT ON BOTH OCCASIONS SERGEANT HOLMES STATED THAT "MELIZAY ALREADY ENRAGED THIS ISSUE". DESPITE THE FACT THAT THE PLAINTIFF DIDN'T/DESENT KNOW WHO "MELIZAY" IS OR WHAT THE SERGEANT WAS TALKING ABOUT, PLAINTIFF WAS DENIED HIS RIGHT TO FILE A GRIEVANCE. AS THE PLAINTIFF IN THIS ACTION I HAVE CONDUCTED HAS BEEN EXPOSED WITH REGARD TO LAWSUITES AGAINST WESTCHESTER COUNTY'S AGRICULTURE, INCLUDING JOSEPH V. SPANO, MARIA MENDOZA, DONNA BLACKMAN & WARDEN DELGROSSO. I HAVE FOUND THAT THERE ARE APPROX. 40 LAWSUITES PENDING IN THIS VERY COURT HOUSE FOR SIMILAR CONDUCT DESCRIBED HEREIN. THESE DEFENDANTS ARE SUPERVISORY & DIRECTLY RESPONSIBLE FOR THE FOOD SERVED TO THE INMATES AT D.O.C. THESE LAWSUITES HAVE GIVEN THESE DEFENDANTS AMPLE & PROPER NOTICE OF THE PRISON CONDITIONS AT D.O.C. IN ADDITION, THESE DEFENDANTS & OTHERS CONDUCT DAILY MEETINGS AT D.O.C. WHERE LAWSUITES, COMPLAINTS & GRIEVANCES ARE DISCUSSED. MOVING ON TO DEFENDANT V. HENITT (THE D.O.C. LIBRARIAN) SINCE MY ARRIVAL IN AUGUST 2017, I HAVE REQUESTED AS AN INDIGENT INMATE, A PENCIL, PAPER & PEN TO DRAFT THE INSTANT COMPLAINT, BUT LIBRARIAN HENITT STATED, "I HAVE BEEN ORDERED BY WARDEN DELGROSSO NOT TO ISSUE ANYMORE '1983' PACKETS, PEN, PENCILS OR PAPER SO 'YOU GUYS' CAN'T FILE LAWSUITES AGAINST US." AS SUCH, PLAINTIFF ACQUIRED THE PAPER FROM AN INMATE WHO PARTICIPATES IN THE BOLES SCHOOL PROGRAM. THE "1983" PACKET WAS PRINTED ONLINE BY PLAINTIFF'S FAMILY & SENT TO HIM. THATS HOW THE PLAINTIFF WAS ABLE TO FILE THE INSTANT ACTION.

PLAINTIFF ATTEMPTED TO FILE A GRIEVANCE AGAINST DEFENDANT HAWAII FOR FAILING/REFUSING TO PROVIDE THE NECESSARY MATERIALS TO PROSECUTE THIS ACTION WITH ~~CONFIDENTIAL~~ HONOR ON AUGUST 10, 2018, BUT HE STATED "YOU CAN'T FILE A GRIEVANCE BECAUSE THEY CALL THAT ON COMMISSIONARY." PLAINTIFF WAS AGAIN DENIED HIS RIGHT TO FILE A GRIEVANCE.

KE

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

NAUSEA, VOMITING, EXPLOSIVE DIARRHEA, CONSTIPATION, EXHAUSTION, DEBILITATING HEADACHES, WEIGHT LOSS, UNWANTED CLOTHED NAUSEA, UNNECESSARY PAINS, CALLUS, INTENTIONAL INFILTRATION OF EMOTIONAL DISTRESS, NEEDLESS PAIN; GUTTERING, DEHYDRATION, CONSTIPATION, DIZZINESS.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

(#1) COMPENSATORY DAMAGES AGAINST ALL DEFENDANTS IN THE AMOUNT OF \$5,000,000.00; (#2) PUNITIVE DAMAGES AGAINST ALL DEFENDANTS IN THE AMOUNT OF \$10,000,000.00; (#3) NOMINAL DAMAGES AGAINST ALL DEFENDANTS.

## VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

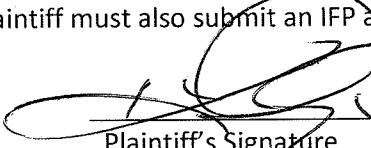
I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

August 16, 2018

Dated



Plaintiff's Signature

VITALE  
First Name

N.  
Middle Initial

EPITZAI  
Last Name

10 Woods Rd.  
Prison Address

VANHALLA,  
County, City



State

10595  
Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

8/16/18

P.O. Box #10  
JACKSON, NY 10595

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NY  
ATTN: PROSE CLERK  
1250 BROADWAY  
NEW YORK, NY 10007

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